

Message Text

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PAGE 01 STATE 052504
ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 DOTE-00 L-03 CIAE-00
COME-00 DODE-00 INR-10 NSAE-00 FAA-00 INRE-00
SSO-00 /036 R

DRAFTED BY EB/OA/AN:WARILEY:JG

APPROVED BY EB/TRA:JATWOOD

EUR/WE:EJBEIGEL

CAB:FMURPHY

DOT:JFLYNN

L/EB:JBELLO

EB/OA:MHSTYLES

EB/AN:JBAGROR

-----078315 012027Z /70

O 012009Z MAR 78

FM SECSTATE WASHDC

TO AMEMBASSY ROME IMMEDIATE

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E.O. 11652: N/A

TAGS: EAIR, IT

SUBJECT: CIVAIR: REPLY TO GOI CAPACITY FREEZE

REF: (A) ROME 2812 (B) 77 ROME 5740 (C) 77 ROME 7439

1. FOLLOWING IS TEXT OF NOTE REPLYING TO MFA NOTE 079/2688
DATED FEB. 10, 1978, ON FINAL SUMMER SCHEDULE FILING
(REF A). PLEASE NOTE THAT US TEXT INDICATES THAT
APPROPRIATE CAPACITY LEVEL FOR FREEZE IS SCHEDULE APPROVED
APRIL 1, 1977, IN MFA NOTE 079/6144 (REF B). DEPT. FILES
DO NOT REFLECT PRECISE CHARACTERISTICS OF SCHEDULE REFER-
RED TO IN REF B. HOWEVER, WE ASSUME SCHEDULE INCLUDES USE
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PAGE 02 STATE 052504

OF B-747 BY PAN AM BEYOND ROME SINCE REF C CITES APPROVAL
OF REVISED PAN AM SCHEDULE WITH "...SIX FREQUENCIES BEYOND
ROME USING B-747...".

2. ACTION REQUESTED: (A) PLEASE CONFIRM FROM EMBASSY
FILES THAT SCHEDULE CITED IN REF B IS APPROPRIATE SCHEDULE
AND CONTAINS B-747 SERVICE BEYOND ROME. (B) IF (A)

CONFIRMED, DELIVER FOLLOWING NOTE TO MFA; OTHERWISE,
ADVISE DEPT. OF SCHEDULE CONTENTS.

BEGIN TEXT:

(PARA) THE EMBASSY REFERS TO THE MINISTRY OF FOREIGN AFFAIRS NOTE NUMBER 079/2688 DATED FEBRUARY 10, 1978, CONCERNING THE FINAL COMBINED AND ALL-CARGO SERVICE SUMMER SCHEDULES OF THE UNITED STATES AIRLINES. THE ABOVE MENTIONED NOTE REQUESTS THE UNITED STATES GOVERNMENT TO FREEZE THE UNITED STATES AIRLINES' SUMMER SCHEDULES TO THE SAME LEVEL AND PATTERN OF SERVICE OPERATED IN 1977.

(PARA) THE UNITED STATES GOVERNMENT CANNOT ACCEPT THE UNILATERAL ADDITION OF "PATTERN" BY THE GOVERNMENT OF ITALY AS A RESTRICTIVE CATALOGUE ON UNITED STATES AIRLINES OPERATIONS IN THE EVENT OF A FREEZE UNDER PARAGRAPH 5(F) OF THE MEMORANDUM OF UNDERSTANDING OF MAY 22, 1970. PARAGRAPH 5(F) OF THE MEMORANDUM OF UNDERSTANDING PROVIDES, INTER ALIA THAT: "IF THE PARTIES DO NOT FIND THAT THE LEVEL OF CAPACITY WAS APPROPRIATE THEY SHALL THEN DETERMINE WHETHER THE CAPACITY OF THE AIRLINES INVOLVED FOR THE FOLLOWING CORRESPONDING SEASON SHOULD BE ESTABLISHED (1) AT A LEVEL DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES OR (2) IN CASE OF DISAGREEMENT, AT THE SAME LIMITED OFFICIAL USE

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PAGE 03 STATE 052504

LEVEL WHICH PREVAILED DURING THE SEASON UNDER REVIEW." IT WAS NEITHER INTENDED NOR IS IT SPECIFIED IN PARAGRAPH 5(F) OF THE MEMORANDUM OF UNDERSTANDING THAT ANYTHING OTHER THAN THE LEVEL OF CAPACITY BE FROZEN IN THE EVENT OF A DISAGREEMENT ON WHETHER EXCESS CAPACITY WAS OPERATED BY THE AIRLINES OF EITHER PARTY.

(PARA) WITH REGARD TO THE APPROPRIATE LEVEL OF CAPACITY FOR THE 1978 SUMMER SEASON, THE UNITED STATES GOVERNMENT REMINDS THE GOVERNMENT OF ITALY THAT CONSULTATIONS WERE HELD IN ROME ON MARCH 14-15, 1977, AT THE ITALIAN GOVERNMENT'S REQUEST, UNDER PROVISIONS CONTAINED IN PARAGRAPH 5(B) OF THE MEMORANDUM OF UNDERSTANDING, TO DISCUSS ITALIAN OBJECTIONS TO THE UNITED STATES AIRLINES' 1977 SUMMER SCHEDULES WHICH WERE FILED WITH THE ITALIAN GOVERNMENT IN ACCORDANCE WITH PARAGRAPH 5(A) OF THE MEMORANDUM OF UNDERSTANDING. SUBSEQUENT TO AND AS A DIRECT RESULT OF THESE CONSULTATIONS AND AS PROVIDED FOR IN PARAGRAPH 5(E) OF THE MEMORANDUM OF UNDERSTANDING, THE ITALIAN GOVERNMENT NOTIFIED THE UNITED STATES GOVERNMENT IN MINISTRY OF FOREIGN AFFAIRS NOTE NUMBER 079/6144 DATED

APRIL 1, 1977, THAT THE UNITED STATES AIRLINES' 1977 SUMMER SCHEDULES (WITH EXCEPTION OF CARGO) COULD BE PUT INTO EFFECT AS PROVIDED UNDER PARAGRAPH 5 OF THE MEMORANDUM OF UNDERSTANDING. LATER AMENDMENTS OF THE UNITED STATES AIRLINES' SCHEDULES, IN LARGE PART NECESSITATED BY AN AVIATION DISASTER, DO NOT ALTER THE FACT THAT THE SCHEDULES PROPOSED BY THE UNITED STATES SIDE IN ACCORDANCE WITH PARAGRAPH 5(A) AND OBJECTED TO BY THE ITALIAN GOVERNMENT UNDER PARAGRAPH 5(B) DURING CONSULTATIONS IN MARCH AND LATER ALLOWED TO BE PUT INTO EFFECT UNDER PARAGRAPH 5(E), ARE THE SCHEDULES ON WHICH A FREEZE SHOULD BE BASED.

(PARA) THE RECENT EX POST FACTO CONSULTATIONS HELD IN LIMITED OFFICIAL USE

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PAGE 04 STATE 052504

WASHINGTON, D.C., JANUARY 23-27, 1978, EXAMINED DATA BASED ON ACTUAL OPERATIONS IN THE SUMMER OF 1977. IT COULD NOT HAVE BEEN OTHERWISE. ALTHOUGH THE ITALIAN DELEGATION ARGUED THAT THE ACTUAL SERVICES OFFERED BY THE UNITED STATES AIRLINES TO ITALY IN THE SUMMER OF 1977 WERE EXCESSIVE, IT DOES NOT FOLLOW THAT THE FREEZE INVOKED BY THE GOVERNMENT OF ITALY UNDER THE PROVISIONS OF ARTICLE 5(F) OF THE MEMORANDUM OF UNDERSTANDING SHOULD BE BASED ON A STANDARD DIFFERING FROM THE LEVEL OF UNITED STATES SERVICE INITIALLY OBJECTED TO, DISCUSSED IN ANTE FACTO CONSULTATIONS, AND ALLOWED TO BE PUT INTO EFFECT BY THE GOVERNMENT OF ITALY.

(PARA) THEREFORE, THE UNITED STATES GOVERNMENT CANNOT ACCEPT THE GOVERNMENT OF ITALY'S REQUEST THAT UNITED STATES AIRLINES BE FROZEN AT THE LEVEL ACTUALLY OPERATED DURING THE SUMMER OF 1977 AND INFORMS THE ITALIAN GOVERNMENT THAT, IN CONFORMITY WITH THE SPIRIT AND LETTER OF THE UNITED STATES-ITALY AIR TRANSPORT AGREEMENT OF 1970 AND THE MEMORANDUM OF UNDERSTANDING, THE UNITED STATES AIRLINES WILL ADJUST OPERATIONS TO CONFORM OVERALL LEVELS OF SERVICE FOR THE 1978 SUMMER SEASON WITH THE LEVEL OF 1977 SUMMER SCHEDULES AS APPROVED BY THE GOVERNMENT OF ITALY IN MINISTRY OF FOREIGN AFFAIRS NOTE NUMBER 079/6144 DATED APRIL 1, 1977.

END TEXT.
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Message Attributes

Automatic Decaptoning: X

Capture Date: 01 jan 1994

Channel Indicators: n/a

Current Classification: UNCLASSIFIED

Concepts: TEXT, AIR ROUTE APPLICATIONS, DIPLOMATIC NOTES

Control Number: n/a

Copy: SINGLE

Draft Date: 01 mar 1978

Decaption Date: 01 jan 1960

Decaption Note:

Disposition Action: RELEASED

Disposition Approved on Date:

Disposition Case Number: n/a

Disposition Comment: 25 YEAR REVIEW

Disposition Date: 20 Mar 2014

Disposition Event:

Disposition History: n/a

Disposition Reason:

Disposition Remarks:

Document Number: 1978STATE052504

Document Source: CORE

Document Unique ID: 00

Drafter: WARILEY:JG

Enclosure: n/a

Executive Order: N/A

Errors: N/A

Expiration:

Film Number: D780094-0377

Format: TEL

From: STATE

Handling Restrictions: n/a

Image Path:

ISecure: 1

Legacy Key: link1978/newtext/t197803118/aaaadwrh.tel

Line Count: 164

Litigation Code IDs:

Litigation Codes:

Litigation History:

Locator: TEXT ON-LINE, ON MICROFILM

Message ID: 33acd1ba-c288-dd11-92da-001cc4696bcc

Office: ORIGIN EB

Original Classification: LIMITED OFFICIAL USE

Original Handling Restrictions: n/a

Original Previous Classification: n/a

Original Previous Handling Restrictions: n/a

Page Count: 3

Previous Channel Indicators: n/a

Previous Classification: LIMITED OFFICIAL USE

Previous Handling Restrictions: n/a

Reference: 78 ROME 2812, 77 ROME 5740, 77 ROME 7439

Retention: 0

Review Action: RELEASED, APPROVED

Review Content Flags:

Review Date: 05 may 2005

Review Event:

Review Exemptions: n/a

Review Media Identifier:

Review Release Date: N/A

Review Release Event: n/a

Review Transfer Date:

Review Withdrawn Fields: n/a

SAS ID: 3151588

Secure: OPEN

Status: NATIVE

Subject: CIVAIR: REPLY TO GOI CAPACITY FREEZE

TAGS: EAIR, IT, US

To: ROME

Type: TE

vdkgvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/33acd1ba-c288-dd11-92da-001cc4696bcc

Review Markings:

Sheryl P. Walter

Declassified/Released

US Department of State

EO Systematic Review

20 Mar 2014

Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014